

REMARKS

Claims 1-20 are now pending in the present application. Claim 1 has been amended to recite “a compound selected from the group consisting of red phosphorus or a phosphorous compound alone or in combination with an organic compound capable of forming free radicals” in place of “a compound selected from the group consisting of red phosphorus, a phosphorous compound or an organic compound capable of forming free radicals” to bring claim 1 in conformity with claim 1 as amended during the International Stage (please see the attached). In fact it was believed that this amendment would have already been incorporated into the US application. Along these lines, it was stated in the Preliminary Amendment filed along with the entry into the US National Stage that “Claim 1 has been amended”. Also a copy of an Amended Sheet as filed under Article 19 was attached to the Preliminary Amendment. Claim 17 has been amended to delete “1” from “n · 1%” to address the rejection of claims 17-19 under 35 USC 112, second paragraph and not to limit its scope. The amendments to the claims do not introduce any new matter.

The rejection of Claims 17, 18 and 19 under 35 USC 112, second paragraph has been overcome by the above amendment to claim 17. Claim 17 relates to a polymer concentrate, also known as a masterbatch, which product is intended to be mixed or diluted with a typical polymer to the extent the final composition contains no more than 1% of halogen X. This means that the polymer concentrate, or masterbatch, can contain, for example, from 1 to 40% of halogen. If it contains 40% of halogen, it should be diluted at least 40 times to bring the halogen content in the final “commercial” product to a maximum value of 1%.

Claims 1-20 were rejected under 35 USC 102(b) as being anticipated by US Patent 4,710,528 to Bertelli et al. Bertelli et al do not anticipate and do not render obvious claims 1-20 as amended since, among other things, Bertelli et al do not disclose using a phosphorous compound in a flame retardant composition. In contrast, claim 1 as amended, requires the presence of red phosphorus or a phosphorous compound, which can be present alone or in combination with an organic compound capable of forming free radicals.

Accordingly, the organic compound capable of forming free radicals is not an essential component in the composition according to claimed invention. When present in combination, such helps to reduce the total afterflame time, but the composition is also effective with phosphorous alone as component (iv). On the other hand, Bertelli et al. at column 1, lines 56-59 teach that when the (organic) promoter of free radicals is absent, the amount of melamine bromohydrate must be at least 15 wt. % of the composition. This would significantly increase the halogen content of the composition, which is contrary to objectives of the present invention.

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

Please charge any fees due with this paper to our Deposit Account No. 22-0185, under Order No. 22106-00111-US1 from which the undersigned is authorized to draw.

Dated: August 13, 2008

Respectfully submitted,

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